

PATENT
450108-4474**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 12, 14-15, and 17 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 13 and 16 are canceled.

Claims 12-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Blahut (U.S. Patent 5,532,735) in view of Iwafune et al. (U.S. Patent 5,880,720), Smole (U.S. Patent 5,915,243), and Goldhaber et al. (U.S. Patent 5,855,008). However, for at least the following reasons, the present invention is distinguishable over any combination of these cited references.

The present invention is directed to a method for ensuring that viewers actually view commercial programs in their entirety. In exchange for viewing the commercial programs, the viewer receives points which can be used to pay for pay programs. Specifically, the present invention requires "determining whether said program is a commercial program or a pay program." (Claims 12 and 15) The Examiner asserts Blahut meets this limitation by determining whether a viewer has selected a VOD channel. (Office Action page 3) However, Blahut's VOD channels encompass both the commercial programs and pay programs as defined in the present

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invention. Hence, Blahut is actually making a determination between a VOD channel (commercial/pay programs) and "normal" television programming. Blahut does not disclose determining between a commercial program and a pay program within the VOD channel. Accordingly, Blahut fails to meet the determining limitation as required in the present claims. Although several of the other cited references deal with commercial programming, none are directed for use with both commercial and pay programming much less determining between commercial and pay programs as required in the present invention.

Further, the present invention "displays said response request when the commercial program has been viewed in its entirety by the viewer." (Claims 12 and 15; amended from canceled dependent claims 13 and 16) The Examiner contends Goldhaber meets this limitation. (Office Action page 6) Goldhaber actually states: "The advertisement display may ask the consumer questions or otherwise require consumer interaction to ensure the consumer has paid attention to the advertisement. Upon successful completion of this process, an amount of digital currency may be deposited...." (Column 16, lines 16-20) Hence, Goldhaber actually discusses requiring the viewer to "pay attention" and "completion of this process," and does not disclose requiring completion of the advertisement as in the present invention. Accordingly, Goldhaber fails to meet the "viewed in its entirety" limitation of the present claims.

Accordingly, for at least these reasons, any combination of Blahut, Smolen, Iwafune, and Goldhaber fails to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

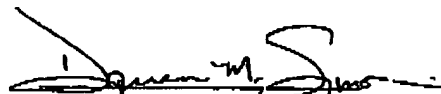
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No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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